

# International Symposium: Multilingual Videoconferencing in Legal Proceedings

Antwerp, 19th-20th April 2013

AVIDICUS2 (Assessment of Video-Mediated Interpreting in the Criminal Justice Service)  
EU Criminal Justice Programme, Project JUST/2010/JPEN/AG/1558, 2011-2013

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### Venue:

Lessius University College, Sint Andriesstraat 2, 2000 Antwerpen, Belgium

### Organisers:

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Centre for Translation Studies  
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### Local organiser:

Dr Katalin Balogh  
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AVIDICUS2 (Assessment of Video-Mediated Interpreting in the Criminal Justice Service)  
EU Criminal Justice Programme, Project JUST/2010/JPEN/AG/1558, 2011-2013

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## Introduction

Criminal justice services are increasingly turning to videoconference technology as a means of increasing efficiency in both national and cross-border proceedings. Video links exist between courts, police stations and prisons, and are used at different stages of proceedings. Given the current scale of migration and multilingualism in Europe, this development also concerns multilingual proceedings, meaning that there is a need to integrate interpreters into such video links. This trend is being reinforced by the recent European Directives 2012/13/EU on the right to information and 2010/64/EU on the right to interpretation and translation in criminal proceedings, and Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime, which will increase the demand for qualified legal interpreters in Europe in many language combinations.

At the same time, the current economic situation puts pressure on those responsible for interpreter deployment and poses a threat to maintaining the quality standards for interpreting set out in Directive 2010/64/EU. An efficient solution for integrating qualified legal interpreters into legal proceedings is therefore crucial to ensuring judicial efficiency and strengthening the rights of EU citizens. The multi-annual European e-Justice Action Plan (2008-2013) considers videoconferencing as being of particular importance for increasing the efficiency and effectiveness of justice. Like two of the Directives mentioned above, it makes explicit reference to a secondary use of videoconferencing in legal proceedings, i.e. its use to gain access to a qualified legal interpreter.

These developments have led to many different configurations of multilingual videoconferencing. To use the full potential of videoconference technology in multilingual proceedings it will, however, be necessary to ensure that the outcomes of the proceedings are not adversely affected by the combined use of videoconference technology and interpreters. Research conducted to date shows that all forms of interpreting which lead to a separation of the interpreter from some or all participants pose potential difficulties. Research also suggests that whilst basic practical problems may be resolved quickly through initial training, increased exposure to videoconferencing and familiarisation, the combined complexities of technological mediation (through videoconference) and linguistic-cultural mediation (through an interpreter) may create deeper-rooted behavioural and communication problems which may change the dynamic of legal communication.

As a follow-up to the successful Symposium in 2011, this Symposium, organised by the EU project AVIDICUS 2 (led by the Centre for Translation Studies, University of Surrey, 2011-13), will provide an update on current practice and research. The aims are to raise awareness of the potential uses and the limitations of multilingual videoconferencing in legal proceedings and to stimulate further discussion about

- how the combination of videoconferencing and interpreting affects the specific goals of legal communication,
- how problems can be overcome or mitigated,
- the role that system design, training and familiarisation can play in this process,
- and the questions arising for a future research agenda.

The Symposium will include the views of international organisations on videoconference-based interpreting as well as research conducted in relation to its use in national and cross-border proceedings and will introduce an enhanced set of guidelines for multilingual videoconferencing in legal proceedings.



The Symposium has been organised with financial support from the Criminal Justice Programme of the European Commission. This booklet and all materials related to the Symposium reflect the views only of the authors and contributors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

## Programme

**Friday 19th April 2013**

0900	Registration
0930	Welcome and opening
0945	<b>Background and context</b> <b>European standards – the progress made and the challenges ahead</b> Jago Russell, Fair Trials International
1015	<b>Videoconferencing and interpreting in legal proceedings – an overview</b> <b>Current practice in national and cross-border proceedings</b> Sabine Braun, AVIDICUS 2 Project Viive Jõgevest, Estonia
1115	<i>Coffee</i>
1145	<b>Videoconference interpreting in international criminal proceedings</b> Maja Popovic, International Criminal Tribunal for the Former Yugoslavia Andrew Constable, International Criminal Court
1230	<i>Lunch</i>
1400	<b>Videoconferencing and interpreting in police and prosecution settings</b> <b>Interpreting quality in police interviews using traditional interpreting and ‘remote interpreting’</b> Sabine Braun and Judith Taylor, AVIDICUS 2 Project <b>Interpreting strategies in police interviews using ‘remote interpreting’</b> Judith Taylor and Sabine Braun, AVIDICUS 2 Project <b>Interpreting strategies in prosecution interviews using ‘videoconference interpreting’</b> Joanna Miler Casino and Zofia Rybińska, AVIDICUS 2 Project
1530	<i>Coffee</i>
1600	<b>Comparing traditional interpreting, ‘videoconference interpreting’ and ‘remote interpreting’</b> Erik Hertog and Katalin Balogh, AVIDICUS 2 Project <b>Videoconferencing and interpreting in police interviews from a police officer’s perspective</b> Dirk Rombouts, AVIDICUS 2 Project
1700	<b>Broader perspectives</b> <b>Innovation in criminal proceedings – a defence attorney’s perspective</b> Peter Engels and Hans Van de Wal, European Criminal Bar Association
1730	End of day 1 (19:30 Dinner)

## Saturday 20th April 2013

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0930	<b><i>Videoconferencing and interpreting in court</i></b> <b>Remote participants in court: transforming environment and process to enhance justice processes</b> David Tait, University of Western Sydney, Australia <b>Interpreting in the distributed courtroom: interactional implications of a visually and auditorily reshaped participation ecology</b> Christian Licoppe and Maud Verdier, AVIDICUS 2 Project <b>Taking speaking turns in co-presence and in bilingual distributed courtrooms: a comparative study</b> Maud Verdier and Christian Licoppe, AVIDICUS 2 Project
1100	<i>Coffee</i>
1130	<b>Videoconference interpreting – the important illusion of immediacy</b> Paul van den Hoven, University of Tilburg, The Netherlands
1200	<b>Videoconferencing and interpreting in the cross-border resettlement of offenders</b> Sabine Braun and Judith Taylor, AVIDICUS 2 Project
1230	<b>Sign language interpreting: interpreters' views and experiences on legal settings and new technology</b> Paul Pryce-Jones, European Forum of Sign Language Interpreters
1300	<i>Lunch</i>
1400	<b>Enhanced guidelines for the use of videoconference-based interpreting in criminal proceedings</b> Members of the AVIDICUS members consortium
1430	<b>Panel discussion: future directions in multilingual legal videoconferencing</b>
1515	Close of Symposium

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# Abstracts

## ***European standards – the progress made and the challenges ahead***

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For twenty years Fair Trials International has helped people arrested far from home to secure their right to a fair trial. Each year we help nearly 500 people in countries across the globe. This has given the charity a unique insight into the barriers to justice for non-national defendants. Key among these is the inability to defend yourself if you do not speak the local language and do not have access to effective interpretation and translations of key documents. This presentation will look at some of the Fair Trials International cases which demonstrate the central importance of effective translation and interpretation to securing a fair trial.

Despite internationally-recognised fair trial standards guaranteeing access to effective interpretation for those who need it, in 2011/12 nearly 20% of the people that asked for our help reported that they had not been given access to translation and interpretation. We have also surveyed defence practitioners across the European Union who have given shocking evidence about the challenges to obtaining effective translation and interpretation. The presentation will provide an overview of these concerns.

Drawing on this evidence, Fair Trials International has lobbied for new EU laws giving all suspects within the EU, who do not understand or speak the local language, the right to an interpreter and to translations of key documents. This eventually resulted in an EU-wide Directive finally passed in October 2010, which all EU Member States must transpose into their domestic laws by October 2013. The presentation will provide an overview of the process of delivering the Directive and highlight some of its key provisions.

The challenge now is to ensure this new EU-wide law has a real impact on the availability of high-quality translation and interpretation measures for suspects who need them. The presentation will conclude by speaking about some of the challenges of implementation, including the wide range of actors that must be engaged and the need for creative solutions to overcome practical challenges to making real the rights guaranteed by the Directive.



## ***Videoconferencing and interpreting: current practice in national and cross-border proceedings***

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The last two decades have seen a rise in the use of videoconferencing in legal proceedings. In Europe, the Ministers of Justice of the Member States of the European Union have highlighted the important role of new technologies and have promoted the use of videoconferencing to improve national and European legal proceedings. Given the current levels of global migration and multilingualism in Europe, the increasing use of videoconferencing in legal proceedings has linguistic consequences, leading to bilingual and multilingual videoconference situations.

Working in video links between courts and remote witnesses or courts and detainees in police stations, detention centres or prisons is becoming common practice not only for many legal professionals and police officers but also for interpreters in many countries. A related, but different development is the use of videoconference-based 'remote interpreting' in legal proceedings, whereby it is the interpreter who is linked to the proceedings from a remote location such as a central videoconferencing hub.

This presentation will provide an overview of current practice and trends in relation to videoconferencing and interpreting in legal proceedings. More specifically, it will

- distinguish different settings in which videoconferencing and interpreting 'meet',
- define these settings, based on the distribution of the participants across the different locations involved,
- introduce relevant key terms and concepts,
- refer to relevant legislation and
- examine the motivations underlying different these settings.

The various settings will be illustrated by drawing on and assessing examples of current practice in Europe and elsewhere. The focus will be on national proceedings including national proceedings with a cross-border dimension (e.g. to hear a witness in a different country). The presentation will conclude by outlining a range of open questions, concerns and perceived problems revolving around multilingual videoconferencing specifically in legal contexts. The aim is to provide a starting point for addressing specific uses and challenges of videoconferencing and interpreting from different perspectives in the subsequent presentations at this Symposium.

# ***Videoconference-based interpreting in the Estonian Police and Border Guard***

Viive JÕGEVEST  
Estonia

The Police and Border Guard Board (PBGB) started its work on 1 January 2010 when the Police Board, Central Criminal Police, Public Order Police, Border Guard Board, and Citizenship and Migration Board (CMB) merged following Estonia's accession to the Schengen Area. Support services also merged, and the Translation Bureau of the new agency was formed. Its interpreter-translators work in all areas that fall into the remit of the PBGB.

One of the challenges the Bureau has faced is a linguistic consequence of Estonia's accession to the Schengen Area. Since Estonia joined, there has been an influx of citizens from illegal immigration source countries. Their main aim is to obtain a visa that grants them the right to enter the Schengen Area. Thus, the number of speakers of 'rare' languages crossing the border of Estonia has increased. The lack of resources for coping with this challenge, e.g. a lack of qualified interpreters for these languages in border areas and sometimes even in the whole country, has led to the use of videoconference-based interpreting.

Pursuant to Estonian law, videoconferencing is allowed in:

- The Code of Criminal Procedure

§ 69. Long-distance hearing

(1) A body conducting the proceedings may organise long-distance hearing of a witness if the direct hearing of the witness is complicated or involves excessive costs or if it is necessary to protect the witness or the victim.

§ 269. Participation of accused in court hearing

(2) As an exception, a criminal matter may be heard in the absence of the accused if: 4) it is complicated to take him or her to the court, and he or she has consented to participation in the court hearing in audio-visual form pursuant to clause 69 (2) 1) of this Code.

§ 468. Hearing of person staying in foreign state by telephone or video-conference

(1) A person staying in a foreign state may be requested to be heard by telephone or video-conference on the basis provided for in subsection 69 (1) of this Code.

(2) If hearing by video-conference is requested, the request shall contain the assurance that the suspect or accused to be heard consents to the hearing by video-conference.

- The Code of Civil Procedure

§ 350. Court session held in form of procedural conference

(1) The court may organise a session in the form of a procedural conference such that a participant in the proceeding or his or her representative or adviser has the opportunity to stay at another place at the time of the court session and perform the procedural acts in real time at such a place.

The presentation will focus on experience with videoconference-based interpreting in the PBGB.

## ***Videoconference interpreting in international criminal proceedings***

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This paper examines videoconferencing in international criminal proceedings from two perspectives: firstly we look at its use and acceptance in international criminal courts and tribunals; thereafter we focus in particular on videoconference interpreting in international criminal proceedings, the main challenges arising therefrom and strategies to overcome these challenges.

Part I of this paper shall therefore review the criteria that have been laid down by different courts and tribunals for videoconferencing in international criminal proceedings, i.e. the circumstances under which it is deemed appropriate for an accused to participate remotely or for a witness to give testimony via video link, with reference to legal submissions and judicial decisions. We also give concrete examples of different videoconference configurations that have been used at the ICC, ICTY and ICTR.

Part II of this paper addresses the challenges of videoconference interpreting in international criminal proceedings, with reference to a survey of interpreters at the ICC, ICTY and ECCC, as well as interviews and personal experience. Here we shall also address issues such as sound and image quality.

Finally we will attempt to identify certain practices or strategies from our experience of videoconference interpreting in international criminal proceedings that may help others to deal with specific challenges arising therefrom.

## ***Interpreting quality in police interviews using traditional interpreting and ‘remote interpreting’***

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This presentation is the first of the Symposium contributions presenting the outcomes of the AVIDICUS 2 Project, which as a follow-up to the original AVIDICUS Project has continued to investigate the options for, and challenges of, using videoconferencing in national and cross-border criminal proceedings that require the services of an interpreter.

This first AVIDICUS-related presentation is devoted to a comparison of traditional interpreting and ‘remote interpreting’ via videoconference, i.e. the method of interpreting in which the interpreter is physically separated from the primary participants. In the EU, the possibility of remote interpreting via videoconference link in criminal proceedings is now explicitly incorporated in Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, which states that “[w]here appropriate, communication technology such as videoconferencing [...] may be used” to provide interpreting services (Art. 2.6).

One of the main questions for research and practice is whether and under which circumstances remote interpreting via video link is reliable enough to ensure the fairness of criminal proceedings. Addressing this question, this presentation reports and discusses the findings of one of the comparative studies, conducted in the two AVIDICUS Projects between 2009 and 2012 to assess the interpreting quality achieved with traditional methods of interpreting and through remote interpreting. One specific point that this presentation addresses is how a set of variables (e.g. prior experience, training and the set-up of the technology) impacts on the interpreting quality. A second point is the extent to which experience and training facilitate the adaptation of interpreters to remote interpreting.

The study used interpreting in police interviews as an example and was based on four comparable sets of data (simulations): one set of traditional interpreting and one set of remote interpreting available from AVIDICUS 1, and two further sets of remote interpreting, using different types of videoconference systems, collected in AVIDICUS 2. All data sets involve the same interpreters. However, between the first part (AVIDICUS1) and the second part (AVIDICUS2), the interpreters had received training and had gained additional experience with videoconference-based interpreting.

The findings will be discussed in the light of the European Directive and its aim to ensure that the interpretation provided in criminal proceedings is “of a quality sufficient to safeguard the fairness of the proceedings” (Art. 2.8).

## ***Interpreting strategies in police interviews using ‘remote interpreting’***

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One of the outcomes of the comparative study reported in the previous presentation is the observation that the interpreters involved in the study have begun to develop a range of strategies for coping with the method of remote interpreting, for example to prevent misunderstanding, loss of information or inaccuracy. Using the same data corpus of simulated police interviews as the previous presentation, this presentation will examine the development and employment of interpreting strategies in remote interpreting.

The specific focus will be on strategies for co-ordinating the communication. The AVIDICUS 1 comparison between traditional interpreting and remote interpreting showed that there was a significantly greater number of instances of co-ordination problems leading to omissions of information in the remote interpreting condition. Based on the observations made in AVIDICUS 1 and on prior research (Braun 2004, 2007) into interpreters’ adaptation strategies in videoconferences, it was assumed that talk co-ordination is the type of problem which has the greatest chance of being mitigated through adaptation and training. In line with this assumption and given the potentially drastic linguistic and legal consequences of problems ensuing from the problems with talk co-ordination, which the AVIDICUS 1 study revealed, the training module for interpreters developed in AVIDICUS 1 covered problems of talk co-ordination and introduced strategies for resolving them.

This presentation will explore to what extent the interpreters from the first AVIDICUS study, who have received the AVIDICUS 1 training and gained more experience in working via video link, have developed strategies for resolving co-ordination problems in police interviews using remote interpreting. The presentation will compare examples of strategies used in the first set of AVIDICUS data with examples from the more recent AVIDICUS 2 data, with a view to highlighting problems, discerning tendencies and identifying instances of good practice.

The presentation will conclude by briefly discussing the implications of these findings for interpreter training.

## ***Interpreting strategies in prosecution interviews using ‘videoconference interpreting’***

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This presentation addresses interpreting strategies in the other settings which were investigated in the AVIDICUS Projects, i.e. ‘videoconference interpreting’, the setting in which the interpreter is co-located with some of the participants, for example to facilitate the hearing of a remote witness.

Bearing in mind that “strategy” denotes a way of dealing with a specific communication problem (such as being unable to retrieve a lexical expression), this presentation analyses strategies adopted by professional interpreters in videoconference interpreting.

The discourse event examined is a series of witness interviews conducted by a public prosecutor. The interviews concerned three cases: a drug trafficking case, a car accident case, and a credit card fraud case. Each case was simulated in three different conditions, i.e. traditional (face to face) interpreting, videoconference interpreting type 1 (the interpreter is co-located with the interviewing prosecutor, whilst the witness is at a remote location) and videoconference interpreting type 2 (the interpreter is co-located with the interpreter, whilst the interviewing prosecutor is at a different location). The interpreters worked in Polish and English. All simulations were videotaped and transcribed. The analysis of the strategies employed by the interpreters in the different conditions involved examining the transcripts (source and target texts) and viewing the video recordings.

The sample size of this study is small, but it constitutes a valuable case study in the context of exploring videoconference-based interpreting and especially the role that training can play to make this method of interpreting viable. Whilst it is not possible to generalise the conclusions, the case study reveals trends with regard to the use of different strategies, consistency and effectiveness. One particularly interesting point that emerges from the analysis and that will be discussed in the presentation concerns the consequences of using familiar and unfamiliar strategies.

## ***Comparing traditional interpreting, ‘videoconference interpreting’ and ‘remote interpreting’***

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In this and the following presentation we will focus on the importance of training for interpreters as well as for legal practitioners. On the basis of our observations and the feedback we received from training modules we organised in AVIDICUS2 – two for interpreters in The Hague and in Antwerp, and one for legal practitioners in the Court of Appeal in Antwerp – we developed new role play simulations of police interviews using traditional interpreting, videoconference and remote interpreting. The simulations were conducted by the same police officers as in AVIDICUS1 and interpreted by the same interpreters who by now had acquired more experience (and self-confidence) in videoconference-based interpreting. The new role play simulations were analysed and compared with the findings from the role play simulations in AVIDICUS 1.

In this presentation, we will present the outcomes of the comparison. Concerning interpreting itself, the most significant problems interpreters had in AVIDICUS 1 before training were turn-taking and overlapping problems. In our presentation we are able to show that these problems can be mitigated after training. In our conclusion we will concentrate on the key implications of these results and of the workshops which can make the work of interpreters and legal practitioners in videoconference-based interpreting more efficient and more ‘comfortable’.

## ***Videoconferencing and interpreting in police interviews from a police officer's perspective***

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Starting from the same settings as the previous presentation, this presentation examines the interviewing techniques and interviewing style of the police officers conducting the different interviews. The main aim is to explore a number of important issues, such as:

- Is there a difference between traditional interpreting and videoconference-based interpreting with regard to showing empathy and approach to the interviewee?
- Do the police officers follow the same interview roadmap in videoconference-based interpreting as they follow in a face-to-face interview?

After outlining and exemplifying these points, the presentation will discuss a number of conclusions that can be drawn about establishing mutual understanding between interviewee and interviewer in comparing the different settings (face-to-face interpreting, videoconference and remote interpreting).



## ***Innovation in criminal proceedings – a defence attorney’s perspective***

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In April 2012, EULITA and the ECBA jointly agreed upon a “Vademecum for magistrates, prosecutors, attorneys and legal interpreters”, containing guidelines to achieve more effective communication with legal interpreters and translators (<http://www.eulita.eu/relevant-documents> => VADEMECUM). As criminal defence attorneys, our focus lies with the rights of defence. As much as we encourage innovation and the implementation of the tools of our 21st Century society, these tools can only be of use if they do not impinge upon the rights of defence. This presentation will provide an overview of these guidelines and will discuss the effect of videoconference interpreting on the most important principles that interpretation in court proceedings needs to comply with in order to safeguard the rights of defence.

**1. Selecting the interpreter:** The person of the interpreter is not of importance. Rather, his/her qualification is and this will not be influenced when the interpreter renders his/her services by means of a videoconference.

**2. Information on interpreting:** Interpreters often do not have access to the file, nor the opportunity to prepare a file (hours spent on the preparation would not be rewarded). An interpreter who provides his/her services from a distant location will be a total “stranger” to the file/proceedings, which might pose problems as far as the effectiveness of the interpretation is concerned.

**3. Seating in the courtroom:** Relates to the possibility to take notes while interpreting. This can be easily organized, even through videoconference interpreting.

**4. Short presentation of the actors in the proceedings:** This issue should not pose problems.

**5. Written texts presented at hearings:** If such documents can be transmitted by means of electronic communication, this should be no problem. However, if the texts are read slowly in the court hearing, the physical absence of the interpreter might make it difficult.

**6. Interpreting the hearing to the foreign-language parties:** This can be organized without any effect on the rights of defence.

**7. Interrupting an interpretation:** The absence of the interpreter should not be an opportunity to totally disregard the difficulties of simultaneous interpretation.

**8. Breaks:** These remain possible.

**9. No transfer of judicial tasks to the court interpreter:** This might be even less of an issue with videoconference interpreting.

**10. Cultural competence of legal interpreters:** With distant interpreters this might more of an issue. A thorough briefing seems required to safeguard the suspect’s rights and to avoid any misunderstanding that could be used against him/her.

**11. Conclusion:** As long as these vital points are not forgotten, and more generally the system respect the rights of defence, the option of videoconference interpreting should be applauded, mainly because it offers possibilities and flexibility, and is able to help the legal system to innovate and be more up to date with the 21st Century (mainly from a Belgian perspective).

## ***Remote participants in court: transforming environment and process to enhance justice processes***

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Two recent or current Australian Research Council-funded studies measure the impact of enhanced technology, architecture and process on justice procedures. Both involve effective partnerships between court systems, technology companies and academics from several disciplines. Both studies use real courts and live performances. Research participants are assigned to different experimental conditions allowing us to measure the effect of particular interventions.

In the first study, Gateways to Justice, remote witnesses were assigned to different qualities of remote room with newer or older video technology, and different levels of orientation and welcome. Mock jurors saw all four conditions in systematically varied order. Both witnesses and jurors recorded significantly different outcomes on a range of measures including presence and awareness of the interaction. In the second study, led by Sandra Hale, interpreters are the focus of the study, and in the experimental phase about to go in the field, mock jurors will be randomly assigned to observing a performance with no interpreter, an interpreter standing alongside the witness interpreting consecutively, and an interpreter some distance away behind a glass screen interpreting simultaneously. The study measures witness credibility in a scenario involving drug importation.

The paper reviews the strengths and weaknesses of using live performances in controlled experimental studies for court studies, and draws out the implications for our understanding of the way the social and technological environment of the courtroom shapes the way people experience justice.

## ***Interpreting in the distributed courtroom: interactional implications of a visually and auditorily reshaped participation ecology***

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This is the first of two presentations which are based on fieldwork conducted for more than one year in two *chambres de l'instruction* in France. The research is based on corpus of video recording of court hearings using videoconference interpreting, transcribed with the help of native speakers for the parts that were not in French, and supplemented by direct observations. Videos allow for coverage of interactional dimensions of activities. Indeed, the phenomena we look at involve more than speech: Hearings are embodied performances in which the spatial and material ecology of the courtroom and the non-verbal conduct of the participants cannot be ignored to understand some of the phenomena that characterise the courtroom when modified by videoconference (Licoppe 2013).

To decrease the cost of its justice system, French judicial administration has developed the use of videoconferencing. Since 2007, videoconferencing has been used for procedures preliminary to the trial in the *chambre de l'instruction*. In parallel, the European Commission has strengthened the linguistic rights of persons who do not speak the language of the court. This leads to pre-trial hearings with a defendant at a remote site and an interpreter in the courtroom, creating a new kind of setting we call the bilingual distributed courtroom.

We will first discuss how the way participants are made visible on screen is readable as a statement regarding their relevance to the talk being produced. A consequence of this is that camera adjustments leading to changes of video shots are meaningful actions, akin to a reformulation of the participation framework. Focusing on the interpreter, we show that the common practice is to make him/her visible, but usually in wide shots where s/he does not appear alone. We discuss the implications of this, and a case in which the judge appears to zoom in on the interpreter and produce a close-up of her while she is interpreting.

With respect to the auditory ecology, since the interpreter cannot be close to the defendant, we show how whispered simultaneous interpreting of extended turns is impossible in distributed courtrooms. The consecutive interpretation of the argument in the bilingual distributed courtroom involves collaborative sequencing. This has implications for which we provide some evidence. First, this kind of sequencing increases opportunities for participation, including for the defendant. It may also transform the activity of the interpreter, who has to interpret a series of turns. At the same time, the 'interaction asymmetries', which are characteristic of video communication, make the actions the President usually performs to prevent 'interruptions' less effective, diminishing his/her control over the proceedings.

## ***Taking speaking turns in co-presence and in bilingual distributed courtrooms: a comparative study***

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Court hearings are characterised by interactional asymmetry: The types of turn participants can take are predetermined by their institutional roles, involving restrictions on who asks and who answers questions. If a defendant or an interpreter wants to take the floor, it raises issues that must be solved in the course of the interaction. When interpreter and detainee are co-present in the courtroom, the co-ordination is much easier thanks to eye contact and the possibility of using whispered simultaneous interpreting. In videoconference interpreting, when the defendant appears in the remote site, whispered simultaneous interpreting is not possible because the interpreter is not seated next to the defendant: S/he either stands close to the bench or sits at the bench near the President of the court. As a result, consecutive interpreting and increased voice volume are mainly used in videoconference court hearings in France. What are the consequences of such a setting on the way interpreters and detainees interact with each other and with the court in the question and answer sequence?

First, a quantitative study of traditional hearings and VC-mediated hearings allows us to show the effect of videoconference interpreting on the turntaking system: reduces the defendant's and interpreter's opportunities to speak. We observe that when interpreters self-select, i.e. when they intervene, which is very rare in videoconference interpreting, it is related to questions of clarification, either to the detainee or the judge.

In a second step, we examine how these clarifications occur in videoconference interpreting in the course of the hearing. Based on videos clips taken from our data, our analysis of the sequential formats demonstrates the issues raised by the device: issues such as managing an interruption or a misunderstanding, and asking a question are carried out differently in the videoconference setting than in the co-present setting. All these examples contribute to our understanding of the impact of videoconferencing on the way the interpreter and the defendant interact in this setting.

Finally we argue that, because videoconferencing exacerbates the interaction problems, interpreters have to be aware of the following problems: (1) the turntaking system is altered in the distributed bilingual courtroom; (2) the interaction is weakened by the videoconference setting, and when problems arise, they need more time to be repaired; (3) the problems of hearing (and understanding) are aggravated.

## ***Videoconference interpreting – the important illusion of immediacy***

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The AVIDICUS 2 Project rightly emphasises that the characteristics of video-mediated courtroom interpretation should be analysed to optimise this specific modality, by training of the professional participants and by technological adjustments. It is my claim that predominantly the different types of ‘videoconference interpreting’ should be compared to each other (rather than to other modalities) to identify nuanced differences in their capacity to imitate the monolingual face-to-face courtroom illusion.

It is an ideological assumption, not a proven empirical fact, that when participants meet face-to-face and speak the same language and culture, justice can be optimally done. From this it is assumed that a mediated, multilingual situation (1) obstructs the process of justice being done and that (2) that this obstruction should be removed by recreating as closely as possible the monolingual face-to-face illusion.

From this perspective when evaluating the videoconference interpreting setting two questions are central. (1) Within the limits of what is feasible and affordable, which technological and logistic settings create the optimal illusion of monolingual immediacy? This is a question for translation studies and technology. (2) How can we deal with the dilemma that the illusion of immediacy  $\neq$  immediacy? This is a question for media studies.

The second question concerns the dilemma of the trivial frame – well-known from documentary making. The question forces us – however unattractive this may be – to speculate about the validity of the monolingual face-to-face illusion. It may lead us to the conclusion that the optimal facilities to create the illusion of immediacy should be on the side of the legal subject. Depending on our evaluation of the validity of the monolingual face-to-face illusion it may lead us to the conclusion that the judges may benefit from the permanent distortion of the illusion, as practised in some approaches to documentary making.

## ***Videoconferencing and interpreting in the cross-border resettlement of offenders***

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The DUTT Project focused on two European Framework Decisions: the transfer of custodial sentences (2008/909/JHA) and the transfer of alternative sanctions (2008/947/JHA), which were adopted by the Council of the European Union in 2008. The Project anticipated that these Framework Decisions would lead to an increase in cross-border communication in relation to cross-border resettlement procedures, which would be difficult to accommodate with traditional face-to-face meetings. The DUTT Project therefore investigated the potential of using videoconference technology to meet these novel communication needs.

The use of videoconferencing in cross-border settings includes communication across linguistic and cultural boundaries, necessitating communication in a second language, a *lingua franca* or through an interpreter. This leads to greater complexity in communication. Additionally, our research in the AVIDICUS Projects has shown that the combination of videoconferencing and interpreting in particular in legal proceedings is not without problems. However, the DUTT Project has stressed that the potential advantages of videoconferencing in long-distance communication and especially the possibility videoconferencing offers to support non-verbal communication should not be cursorily dismissed. Against this backdrop, the DUTT Project included an exploratory study on both the benefits and challenges of videoconferencing in the emerging cross-border resettlement contexts.

The study, conducted by the University of Surrey, was based on a series of role plays covering cases relating to both Framework Decisions. Using a grounded theory approach, the study identified relevant parameters for the given setting, including, for example, the set-up of the videoconferences, the audiovisual environment, the distribution and positioning of the participants, their language proficiency and the presence or absence of an interpreter, and investigated the impact that these parameters are likely to have on the success of the communication in the given setting.

This presentation will report the major findings of the study, showing how the different parameters interact and build on each other, and highlighting the conclusions that are particularly relevant for the use of videoconferencing in multilingual settings.

## ***Sign language interpreting: interpreters' views and experiences on legal settings and new technology***

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Over the last few years legislative changes at the EU level and the increasing use of new technology have opened the doors to new scenarios for the Deaf community and sign language interpreters working in legal settings within Europe.

The European Forum of Sign Language Interpreters (efsli) as a member of EULITA (European Legal Interpreters and Translators Association) and the TRAFUT Project (Training for the Future) has a strong interest in the direction of new technology and how this affects the working lives of sign language interpreters.

As the European umbrella association of sign language interpreters and their associations across Europe, we canvassed the views of sign language interpreters in March 2012.

In this presentation we will share the efsli experience and reflections gained. In particular, through sharing the results of the survey, we will focus on the practitioners in the field, the thoughts of the respondents and their considerations of the benefits weighed against concerns that interpreters may have as the technology becomes more widespread.

References:

efsli: [www.efsli.org](http://www.efsli.org)

EULITA: [www.eulita.eu](http://www.eulita.eu)

TRAFUT PROJECT: <http://eulita.eu/fr/node/486>

## ***Enhanced guidelines for the use of videoconference-based interpreting in criminal proceedings***

Members of the AVIDICUS 2 consortium

One of the key outcomes of the original AVIDICUS Project (2008-2011) was three sets of initial guidelines and recommendations for the use of videoconference-based interpreting, addressing the different stakeholders, i.e. a) the criminal justice services, b) legal practitioners and police officers and c) legal interpreters.

In subsequent discussions with the Council of the European Union's Working Party on e-Law (e-Justice), the AVIDICUS guidelines were deemed by the Working Party to facilitate the use of videoconferencing and interpreting in the judicial systems of the Member States. As a follow-up of these developments, the Guide on Videoconferencing in Cross-border proceedings (published by the Council of the European Union and available on the European e-Justice Portal, <https://e-justice.europa.eu>) was updated to incorporate the AVIDICUS guidelines.

The original guidelines were based on the findings from the research conducted in first AVIDICUS Project. These findings suggested that basic practical problems with video-mediated interpreting may be resolved quickly through initial training and a process of familiarization, and with the help of guidelines to facilitate the introduction and use of videoconference-based solutions for interpreting in legal proceedings.

In the meantime, the research conducted in AVIDICUS 2 and other projects has added further insights and more detailed to the growing body of knowledge about multilingual legal videoconferencing, and has enabled the AVIDICUS partners to update and enhance the original guidelines. The updated version will be presented at the end of this Symposium.



## ***Panel discussion: future directions in multilingual legal videoconferencing***

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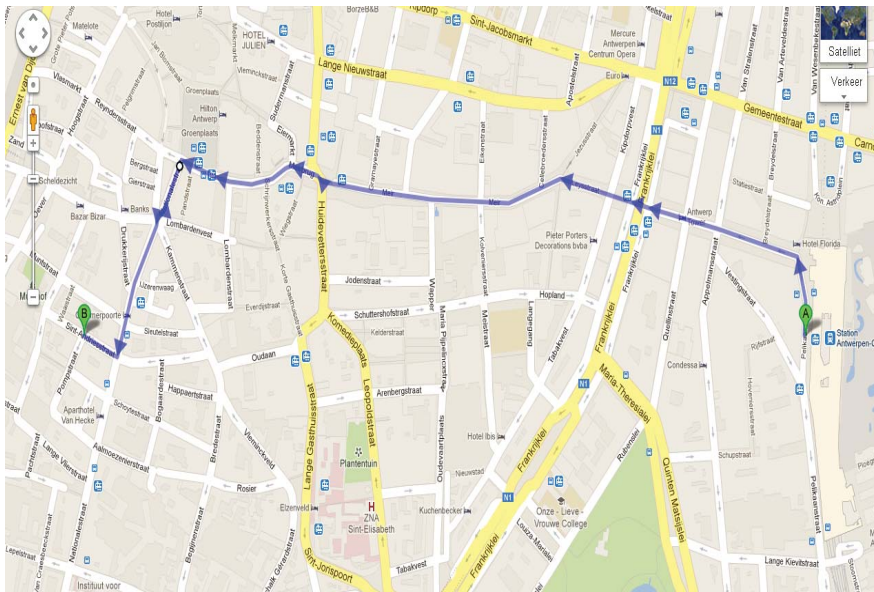
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The current scale of migration and multilingualism in Europe means that bilingual and multilingual videoconferences are likely to become so frequent in legal proceedings that videoconferencing solutions for legal communication need to make appropriate provisions for multilingual support and interpreting. With this outlook in mind, the final discussion will explore future directions for research and practice in the area of multilingual videoconferencing in legal proceedings. The points for discussion will, for example, include the following:

- a) The systems: do current videoconferencing solutions give due regard to the specifics of multilingual legal communication, e.g. from the point of view of technological and design-related issues and their impact on the communicative dynamic, interpreting modes and quality; and if not, what will be required to improve the situation;
- b) The processes: what provisions need to be made to mitigate communicative, behavioural and logistical challenges of multilingual videoconferences; will 'traditional measures' such as awareness-raising among stakeholders, training of legal practitioners and interpreters, specification of procedures and guidelines be sufficient, or do we need novel perspectives on the topic of multilingual videoconferencing, and if so, what can these be and what can they add;
- c) The stakeholders: is the current level of co-operation between stakeholders at national and European level sufficient; what benefits could arise from a closer co-operation, e.g. between legal practitioners, interpreters, decision makers and researchers, and what needs to be done to improve the co-operation.

## Location Map and Housekeeping



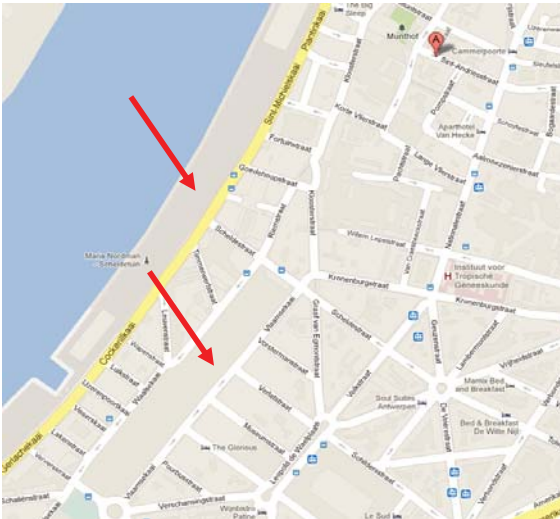
### From the railway station 'Antwerpen Centraal' to Lessius

**By foot:** 25 min walk to Lessius. From the station walk straight ahead to the 'Keyserlei', cross the busy 'Frankrijklei', continue onto 'Meir' (very busy shopping pedestrian zone) which leads to 'Schoenmarkt' (passing a KBC tower on your right) and then 'Groenplaats' (the main square in Antwerp, you can see the Cathedral on your right) . Turn left into 'Nationalestraat' and take the third street on your right (just after the supermarket Delhaize), into 'Sint-Andriesstraat'. You can see the Lessius-building immediately.

**By public transport:** If you don't want to walk, take the subway at Central Station to Groenplaats (number 9 or 15), direction 'Linkeroever'. Get off at the third stop (after 'Opera' and 'Meir'), called 'Groenplaats'. Go upstairs and turn left into 'Nationalestraat' and take the third street on your right, into 'Sint-Andriesstraat'. You can see the Lessius-building immediately. Public transport 'De Lijn'

**By Taxi:** since Lessius is not far from Central Station, charges will not be very high. Make sure you ask for Lessius in Sint-Andriesstraat (Lessius has two other campuses in other parts of the city).

**Free Parking:** Waalse kaai/Vlaamse kaai and Sint-Michielskaai and Cockerillkaai.



### **How to Access the Thomas More Antwerp Wireless Network**

Connect to wireless network: Guest@AP

#### **Wireless connection:**

Any attempt to surf will be redirected to the login page.  
Ignore all messages claiming the certificate is invalid. (How to do so depends on your browser.) Possibilities include:

- Accept temporarily/permanently
- Add as an exception
- Go to the following website

#### **Log in with the following data:**

Username: Guest16

Password: 26JST376dw

By logging on to the network you are agreeing to the terms and conditions of the acceptable use policy.

For more information, please contact the campus secretarial office.

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**[www.videoconference-interpreting.net](http://www.videoconference-interpreting.net)**

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